

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 07-05-15A

PARKING ORDINANCE

AN ORDINANCE OF THE CITY OF HORSESHOE BAY REGULATING PARKING OF VEHICLES IN THE CITY; PROVIDING DEFINITIONS; PROHIBITING PARKING OF CERTAIN VEHICLES AT RESIDENTIAL AND COMMERCIAL CONSTRUCTION SITES; MAKING THE BUILDING PERMITTEE FOR RESIDENTIAL AND COMMERCIAL CONSTRUCTION SITES RESPONSIBLE FOR OVERSEEING PARKING AT SUCH SITES; PROVIDING REGULATIONS FOR THE PARKING OF VEHICLES AT BUSINESSES; PROVIDING FOR PARKING FOR PERSONS WITH DISABILITIES; LOADING ZONES; REGULATION OF PARKING LOTS AND AREAS; PARKING OF COMMERCIAL VEHICLES; PARKING IN RESIDENTIAL AREAS AND ALONG PUBLIC ROADS; PARALLEL AND ANGLE PARKING; DESIGNATED AND TIME-LIMITED PARKING; TOWING AND IMPOUNDMENT OF VEHICLES; PAYMENT OF STORAGE CHARGES; PROHIBITING THE PARKING OF VEHICLES FOR SALE; PROVIDING PENALTIES FOR VIOLATION; PREEMPTING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council seeks to promote the health, safety, and general welfare of the City of Horseshoe Bay's residents and visitors by maintaining convenient and safe streets and parking areas; and

WHEREAS, the City Council has authority to regulate traffic by traffic-control devices and to regulate stopping, standing or parking of vehicles pursuant to Section 542.202 of the Texas Transportation Code, as may be amended; and

WHEREAS, the City Council has authority to remove and store vehicles parked in unauthorized areas pursuant to section 684.053 of the Texas Transportation Code, as may be amended; and

WHEREAS, the City Council has exclusive control over the highways and streets of the city pursuant to section 311.002 of the Texas Transportation Code and may abate or remove an encroachment or obstruction from the same; and

WHEREAS, the City Council has authority to regulate the parking of motor vehicles on private property pursuant to section 431.001 of the Texas Local Government Code, as may be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS, that:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. DEFINITIONS

The following definitions shall apply for the purposes of this Ordinance:

“City” shall mean the City of Horseshoe Bay.

“City Council” shall mean the governing body of the City.

“Commercial Construction Site” shall mean the site of construction of a structure or facility that is for commercial use and purposes or multi-family under the Zoning Ordinance of the City, and for which a building permit is required from the City, the boundaries of which are as described or contemplated by such building permit.

“Construction” shall mean, but is not limited to, site preparation; building of new improvements; remodeling or making additions to existing structures; installation of pools or spas; erection of fences; erection of retaining walls, jet ski ramps or boat docks; and, the installation of driveways or parking areas.

“Construction Catering Vehicle” shall mean a vehicle that sells or otherwise provides food, meals, beverages, refreshments, and similar items to persons working at or visiting a Commercial Construction Site.

“Residential Construction Site” shall mean the site of construction of a structure or accessory structure that is for residential use and purposes under the Zoning Ordinance of the City, and for which a building permit is required from the City, the boundaries of which are as described or contemplated by such building permit.

“Vehicle Required for Construction” shall be defined as a vehicle other than an automobile, pickup, truck, or similar motorized means of transportation that has as its primary purpose the transport of passengers, that is required to be located on a Commercial or Residential Construction Site in order to commence, continue, or complete the construction authorized by the building permit for the Commercial or Residential Construction Site, or which is delivering equipment or supplies to the Site, and which is needed for construction or delivery purposes that will be undertaken on the day that such Vehicle is located on the Commercial or Residential Construction Site.

III. PROHIBITED PARKING

- A. No Parking Signs: The City Council may direct that a “No Parking” sign be placed at any site for which the Chief of Police or Fire Chief recommends that parking of vehicles be prohibited in order to promote the public health, safety, and welfare.
- B. Prohibited Parking Without Signs: Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
 - (1) Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked on the edge or curb or a street;
 - b. On a sidewalk;
 - c. In an intersection;
 - d. In a crosswalk;
 - e. Alongside or on the opposite side of any street excavation or obstruction when stopping, standing or parking would obstruct traffic; or
 - f. Upon any bridge or other elevated structure upon a highway, or in any tunnel or the approach thereto, or
 - g. Along a street facing in any direction other than the same direction as the flow of traffic on the side of street where the vehicle is parked.
 - (2) Stand or park a vehicle in or upon a roadway, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within fifteen (15) feet of a fire hydrant;
 - c. Within twenty (20) feet of a crosswalk at an intersection;
 - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway; or
 - e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when a proper sign is posted.

IV. PARKING AT COMMERCIAL OR RESIDENTIAL CONSTRUCTION SITES

Any person who receives a building permit for a construction purpose for a structure, facility, or accessory structure in the City shall be furnished with a copy of this Ordinance at the time such permit is issued or within a reasonable time thereafter, and such person shall be responsible for the following:

- A. Commercial Construction Site
 - (1) All vehicles of any kind including Vehicles Required for Construction and Construction Catering Vehicles shall be parked off the street; either within the boundaries of a Commercial Construction Site or at a location arranged for, either by lease, agreement, permission, or other lawful means;
 - (2) Parking or Standing of material delivery vehicles on the street is prohibited without a special use permit from the City.

B. Residential Construction Site

- (1) If a vehicle, equipment, or trailer used by someone at the Site for Construction purposes, including a Vehicle Required for Construction and Construction Catering Vehicles, is parked on the street, all vehicles shall be parked only within the direct frontage of the actual Construction Site if adjacent lot(s) are developed and occupied, on the same side of the street as the Construction Site, and in the direction of the flow of traffic. Construction trailers must be removed from the roadway during hours of darkness.
- (2) Parking or standing for materials delivery vehicles on the street is limited to two (2) hours, and are not allowed during hours of darkness.
- (3) Catering and other vendor vehicles must comply with Sec 3.B.(1) above, and no catering or vendor vehicle may park on the street at the site for more than one (1) hour during any four (4) hour period during any 24 hour day.

C. Informing all employees, contractors, subcontractors, consultants, inspectors, or other persons who work at or visit the Commercial Construction Site where vehicles may be parked during Construction;

D. Arranging, when necessary, by lease, agreement, permission, or other lawful means, for off-street parking of vehicles of persons who work at or visit the Commercial or Residential Construction Site and, if necessary, the shuttling of such persons to and from the Site;

E. Identifying, by temporary sign or other reasonable means, where parking is and is not allowed;

F. Ensuring that no vehicle or pedestrians of any kind or description blocks, impedes, or obstructs the normal flow of traffic at, near, and adjacent to the Commercial or Residential Construction Site;

G. Payment to the City of any fines or penalties imposed for violation of this Section of this Ordinance.

H. Variances to these requirements may be requested in writing to the City at the time of application for a building permit.

IV. PARKING OF VEHICLES AT AND USED IN BUSINESS, TRADE OR COMMERCIAL FACILITY

- A.** The owner of any business, trade, or other commercial facility in the City shall provide parking spaces in the manner and amount required by the City's zoning ordinance. In the event that additional parking is needed for employees or contractors of such business, trade or commercial facility, it shall be the responsibility of such owner to construct or otherwise secure such additional parking. In no event may employee, contractor, or other vehicles used in connection with a trade, business or commercial facility be parked in a manner

that blocks, impedes, or obstructs the normal flow of traffic at, near, and adjacent to such business, trade or commercial facility.

- B. Each owner of a business, trade, or other commercial facility in the City shall be responsible for providing the number and type of handicapped parking spaces required by the Texas Accessibility Standards of the Architectural Barriers Act, the Americans with Disabilities Act, and Section 6 of this Ordinance. In the event of conflict or inconsistency between any such requirements, the most restrictive (i.e. favoring the disabled) shall control.
- C. It shall be unlawful for the owner, agent or employee of any trade or business, including but not limited to any service station, garage, repair shop, manufacturer, or retail store, to permit, or cause to be placed, stored or parked on any public street, alley or sidewalk any automobile, truck, trailer, or other vehicle held for use in connection with such trade or business while the same is awaiting being used, or after it has been used, or for the purpose of exhibiting the same for sale. This subsection shall not apply to vehicles actively engaged in service or delivery functions for the period of time actually engaged in the service or delivery activity.
- D. The City Council at its discretion may mandate that City business owners and their employees park in designated parking areas limited to their use during hours indicated.
- E. Property owners or business owners may not install "Private Parking" or "Reserved" parking or any other form of parking sign or designation that would restrict public parking on any public roadways, streets or land.

VI. PARKING SPACES FOR PERSONS WITH DISABILITIES

- A. Minimum Number: The owner of a property in the City who utilizes the property to extend services to the public shall establish parking spaces for the exclusive use of disabled persons in the ratio of one (1) parking space for the disabled for each property for every thirty (30) parking spaces but in no event shall there be less than one (1) parking space for disabled persons associated with that property.
- B. Location
Parking spaces for disabled persons shall be located as close to the main entrance of the building facility served by the parking area as possible.
- C. Use
 - (1) Any vehicle utilizing a parking space for disabled persons shall have a special license plate issued by a governmental entity, or have a plastic placard hanging on the rear-view mirror, or have an identification card signed by a physician placed in the lower left hand side of the front windshield.
 - (2) Any vehicle utilizing a parking space for disabled persons must be in use for the transport of a disabled person.

VII. PARKING LOTS AND AREAS

This section shall apply only to City-owned and privately-owned or managed parking lots or areas commonly used by the general public, maintained for the convenience of customers, clients, or patrons of one or more business establishments or public offices.

- A. Prohibited Use of Motor Vehicles in Parking Areas: No person in control or possession of a motor vehicle in a parking lot or area may hold a race or contest for speed with another motor vehicle or vehicles, without the written consent of the City.
- B. No person in a parking area may:
 - (1) Congregate with another person or persons or loiter after entering the premises, and willfully refuse to leave after having been notified to leave by the owner or the person in possession and control of the premises or his agent;
 - (2) Throw or deposit any trash, litter, or other waste on a parking area other than in designated receptacles; or
 - (3) Drive any motor vehicle across, through or into and out of any parking area anywhere in the City, except for the purpose of parking, leaving after parking, leaving a passenger or picking up a passenger. This section shall not prohibit any person from using a parking area for the purpose of turning around to travel on the same street in the opposite direction. This section shall not apply to any person acting with the express permission of the owner or person in charge of the parking area.

VIII. LOADING ZONES

The City Council may cause loading zones to be designated for the convenience and regulation of the traffic in the City within the areas in which it has or may hereafter regulate parking for any designated time period. Such loading zones as the City Council may from time to time designate shall be clearly marked, and shall be used only for loading and unloading. Such zones are for the convenience of all persons needing loading and unloading facilities in the City block in which such zone is located, and are not for the exclusive use of any one person, firm or corporation.

IX. COMMERCIAL VEHICLES

- A. Prohibitions and Limitations:
 - (1) Except as provided in subsection (B) below, it shall be unlawful for any person or any owner to leave, park or stand any truck tractor, road tractor, truck trailer, semi-trailer or any other commercial motor vehicle with a rated capacity in excess of one ton according to the manufacturer's classification, upon any public or private street, parkway, boulevard, or public place within or adjacent to any residence district as may be established in the City Zoning regulations. This section shall not prevent the parking or standing of the above-described vehicles in loading zones for the purpose of expeditiously loading and unloading passengers, freight or merchandise.

- (2) It shall be unlawful for any person or any owner to leave, park or stand any truck tractor, road tractor, truck trailer, semi-trailer or any other commercial motor vehicle with a rated capacity in excess of one ton according to the manufacturer's classification, or any house trailer, boat trailer, stock trailer, or any other type of trailer upon any public street, alley, parkway, or boulevard in such a manner as to block the flow of traffic upon the public street, alley, parkway or boulevard.

B. Exceptions

The provisions in subsection A. (1) shall not apply to the following vehicles when actively in use:

- (1) Street construction and maintenance vehicles;
- (2) Public service utility vehicles;
- (3) Buses; and
- (4) Emergency Vehicles.

X. RESIDENTIAL PARKING

A. Prohibitions

Except as provided in subsection (B) below, it shall be unlawful for any person to park or permit, or cause to be placed, stored, or parked on any private or public rights-of-way within any residential area within the City:

- (1) Any motor vehicle that exceeds twenty (20) linear feet in length;
- (2) Any trailer, semi-trailer, boat trailer, trailer house, or other non-motorized device or equipment designed or intended to be towed upon the public streets by means of attachment to a motor vehicle or other self-propelled vehicle or equipment; or
- (3) Any self-propelled motor home or other motor vehicle containing permanently installed sleeping facilities or human sanitary treatment or disposal facilities or both.

B. Exceptions

Subsection (A) above shall not apply to:

- (1) Vehicles actively engaged in service or delivery functions for the period of time actually engaged in the service or delivery activity;
- (2) Publicly owned or franchised emergency or utility vehicles making residential repair calls or emergency utility service repairs;
- (3) Emergency vehicles;
- (4) Street construction and maintenance vehicles; or
- (5) Recreational vehicles or equipment being loaded, unloaded, or otherwise prepared for use or storage during a period of time which does not exceed twenty-four (24) hours.

C. Certain Overnight Parking

- (1) Except as provided in (2), no truck tractor, road tractor, truck trailer, semi-trailer or any other commercial motor vehicle with a rated capacity in excess of one ton according to the manufacturer's classification, recreational vehicle, camper, boat, trailer, motorcycle, or similar vehicles may be parked on residential streets or in driveways overnight.
- (2) Guests of residents of the City who are staying overnight may park an automobile, pickup, or motorcycle along the street frontage of the person whom the guest is visiting for no more than seventy-two hours. In no event may an overnight guest park in a manner that creates an obstructed view from the driveway of any neighboring residence.

XI. PARKING ALONG PUBLIC ROADS

A. Prohibitions: A person shall not stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of a public road outside of a business or residence-zoned district unless:

- (1) An unobstructed width of the highway opposite a standing vehicle is left for the free passage of other vehicles including emergency and public service utility vehicles; and
- (2) A clear view of such stopped vehicle is available from a distance of 200 feet in each direction upon such roadway

B. Exceptions

This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

XII. PARALLEL AND ANGLE PARKING

A. It shall be unlawful for any person to stand or park a vehicle in a roadway other than parallel with the edge of a roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle as close to the curb or edge of a public roadway or street as possible, except as otherwise provided in this section. On one-way roadways or streets, vehicles may be parked on the left side of the street, with the left-hand wheels as close to the curb or edge of the roadway or street as possible, unless signs prohibit parking.

B. Upon those roadways or streets which have been signed or marked for angle parking, it shall be unlawful for any person to park or stand a vehicle other than at the angle of the curb or edge of a public roadway indicated by such signs or markings.

C. Whenever parking spaces are marked by lines on the pavement, whether for parallel or angle parking, a vehicle must be parked entirely within the lines of the parking space.

XIII. DESIGNATED AND LIMITED TIME PARKING

- A. Designated Parking: The City Council or Chief of Police may from time to time designate parking for particular, temporary purposes on public or private streets in connection with particular events and activities, or may cause parking to be prohibited in certain areas or in marked off streets for the same purposes.
- B. Limited Time Parking Areas: The City Council may designate certain public areas as time limited parking areas. The same shall be designated with clearly distinguished markings or signs at both ends of the time limit area and at reasonable intervals between the beginning and ending of such time limit area, indicating the time allowed for parking in such area. Any prohibition of parking or time limit parking established under this section shall apply on such days and between such hours as prescribed by the City.

XIV. TOWING AND IMPOUNDMENT OF MOTOR VEHICLES

- A. Removal of Unauthorized Vehicles: Where the City has posted one or more signs in the right-of-way stating that parking is prohibited, the Chief of Police shall have authority to remove an unauthorized vehicle parked in the right-of-way of the public roadway. A sign posted by the City must:
 - (1) State that a vehicle parked in the right-of-way may be towed at the expense of the owner or operator of the vehicle; and
 - (2) Be placed facing the public roadway on the parking facility owner's property not more than two (2) feet from the common boundary line and at intervals so that no point in the boundary line is less than twenty-five (25) feet from a posted sign.
- B. Costs for Storage and Removal of Vehicles:

A determination of the person responsible for payment of the costs for storage and removal of a vehicle must comply with the hearing procedures established in chapter 685 of the Texas Transportation Code, as may be amended.
- C. Any vehicle abandoned on or adjacent to a public roadway shall be removed by the City at the owner's expense in accordance with Texas State Law.

XV. VEHICLES FOR SALE

It shall be unlawful to park an automobile, pickup, truck, tractor, trailer, recreational vehicle, boat, motorcycle, or similar vehicle with any type of "for sale" sign or other designation that the vehicle may be purchased.

XVI. PRIMA FACIE EVIDENCE OF PARKING VIOLATION

When any person is charged with having parked or left standing a vehicle on any street in the City at a place on the street where parking of vehicles is prohibited, or with parking such vehicle on street in a manner which violates the manner of parking a vehicle as designated, or with parking a vehicle for a length of time in excess of that allowed in the space where the vehicle was parked, proof that the vehicle was, at the date of the offense alleged, owned by the person charged with the offense, shall constitute prima facie evidence that the vehicle was parked or left standing at the place charged by the owner, but the owner shall have the right to introduce evidence to show that the vehicle was not parked by him as charged in the complaint.

XVII. PENALTIES

A. Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five-hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with this Ordinance; and
- (2) A civil penalty up to one-hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of this Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) Other available relief.

XVIII. TEMPORARY SUSPENSION

The City Council has the authority to temporarily alter or suspend any of the provisions of this Ordinance not required by the laws of the State of Texas, if such suspension serves the benefit of the City. Such temporary suspension must be in writing and must set out specific justification for the temporary suspension.

XIX. OFFICIAL DUTY EXCEPTIONS

All City employee operated vehicles, marked or unmarked, as well as all Federal, State, and County vehicles are exempt from this regulation when in the performance of their official duties

XX. ORDINANCES INCONSISTENT OR IN CONFLICT

In the event that any ordinances or part of an ordinance of the City is found to be in conflict herewith, this Ordinance shall control.

XXI. SEVERABILITY

If any of the provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other part of the same which are not held void or unconstitutional shall remain in full force and effect.

XXII. EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication in accordance with the law.

PASSED AND ADOPTED this, the 15th day of May, 2007 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/
Robert W. Lambert, Mayor

Attest:

/S/
Toni Vanderburg, City Secretary